

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,717,040 B1
DATED : April 6, 2004
INVENTOR(S) : Hoffbeck, Loren John

Page 1 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 39,

Lines 2-26, should read:

-- Applicant has made a deposit of at least 2500 seeds of Inbred Maize Line PH5W4 with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA, ATCC Deposit No. PTA-4434. The seeds deposited with the ATCC on June 4, 2002 were taken from the deposit maintained by Pioneer Hi-Bred International, 800 Capital Square, 400 locust Street, Des Moines, Iowa 50309-2340 since prior to the filing date of this application. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, the Applicant will make the deposit available to the public pursuant to 37 C.F.R. § 1.808. This deposit of the Inbred Maize Line PH5W4 will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§ 1.801 - 1.809, including providing an indication of the viability of the sample. Applicant imposes no restrictions on the availability to the public of the deposited material from the ATCC; however, Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of their rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). U.S. Plant Variety Protection of Inbred Maize Line PH5W4 has been applied for under Application No. 200100244. --

Line 46, should read -- 5. protoplasts produced from the tissue culture of claim 4. --

Line 56, should read -- 8. A method for producing an F1 hybrid maize seed, comprising crossing the plant of claim 2 with a different maize plant and harvesting the resultant F1 hybrid maize seed. --

Column 40,

Line 3, should read -- 13. The maize plant of claim 12, wherein the transgene confers resistance to an herbicide selected from the group consisting of: imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine and Benzonitrile. --

Line 41, should read -- (a) crossing PH5W4 plants grown from PH5W4 seed, representative seed of which has been --

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Column 41,

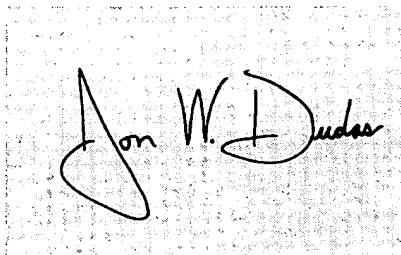
Line 17, should read -- (a) crossing PH5W4 plants grown from PH5W4 seed, --

Column 42,

Line 12, should read -- cross progeny plants that comprise said nucleic acid molecule and have all of the physiological and morphological characteristics of maize inbred line PH5W4 --

Signed and Sealed this

Thirty-first Day of May, 2005

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Jon W. Dudas" in a cursive, stylized script.

JON W. DUDAS

Director of the United States Patent and Trademark Office